



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Workers' Disability Compensation
Vocational Rehabilitation Division
7150 Harris Drive
P O Box 30016
Lansing, MI 48909
(517) 322-1866
FAX: (517) 322-6689
www.cis.state.mi.us/wkrcomp/bwdc

DATE: January 24, 2000

TO: All Bureau Approved Rehabilitation Facilities
Interested Parties

FROM: Douglas K. Langham, Administrator

SUBJECT: CRCC Ethics Committee Advisory on Data Sharing With Carriers

Background

During the past few months a number of vocational rehabilitation providers who serve Michigan injured workers have been challenged by plaintiff attorneys, who argue that it is a violation of the CRC Code of Ethics for counselors to provide copies of rehabilitation reports and correspondence to the employer/carrier (referral source) without specific client/attorney permission.

Under the Michigan Workers' Disability Compensation Act, employers/carriers are legally responsible for the provision of vocational rehabilitation services. It has been standard operating procedure for carriers to refer claimants to VR facilities and to expect the VR providers to submit case reports back to them documenting ongoing rehabilitation efforts. The bureau position has been that since the carrier is legally required to provide VR services to claimants, it is reasonable for them to expect the VR providers to provide them with timely case reports.

A number of VR providers have indicated that while they routinely request claimants to sign standard release of information forms at the time of case opening, in order to secure necessary medical information and facilitate appropriate job placement efforts, they have not felt that it was necessary to obtain a specific signed release from the claimant authorizing them to submit case reports back to the responsible carrier. In order to attempt to resolve this area of dispute we requested an advisory opinion from the CRC Ethics Committee.

CRC Ethics Committee Advisory Opinion

The advisory opinion from the CRC Ethics Committee states as follows:

“Rule 6.1 of the Code of Professional Ethics for Rehabilitation Counselors requires that clients be informed of the limits of confidentiality at the onset of the counseling relationship. Therefore, the client must be informed of and agree to the dissemination of rehabilitation reports and correspondence in order for services to be provided. While there is no requirement to obtain a written signed release, it would be most beneficial. Furthermore, documentation of the attainment of informed consent should exist in case notes at a minimum.”

A copy of the opinion is attached for your information.

Comment

While many rehabilitation providers who serve Michigan injured workers are not certified by the Commission on Rehabilitation Counselor Certification, the Code of Professional Ethics for Rehabilitation Counselors has been adopted by a number of national professional organizations for their memberships. Further, the Bureau has always expected rehabilitation service providers in approved facilities to adhere to professional standards of conduct. The above noted advisory is wise counsel, implementation of such a policy would resolve an area of dispute which undermines the rehabilitation process, and we recommend that it be adopted by each bureau approved facility.

Attachment (1)

cc: J. Wheatley
C. Petersen
B. Czyrka

VIA ATTACHMENT TO EMAIL

December 1, 1999

Doug Langham, MA, CRC
Administrator
Vocational Rehabilitation Division
Michigan Bureau of Workers' Disability Compensation

Dear Mr. Langham:

The Ethics Committee of the Commission on Rehabilitation Counselor Certification (CRCC) has had an opportunity to review your correspondence concerning a request for an advisory opinion.

The Ethics Committee of the CRC provides advisory opinions on selected situations having ethical implications. These advisory opinions are provided as a general educational service and are rendered in response to limited and unverified information provided to the Committee. Therefore, it should not be construed as direct advice regarding the unique or specific ethical or legal action recommendations that should be followed regarding the issues raised. The considerations described by the Committee's advisory opinion should be regarded only as general educational assistance and not as specific direction in any particular instance.

Rule 6.1 of the Code of Professional Ethics for Rehabilitation Counselors requires that clients be informed of the limits of confidentiality at the onset of the counseling relationship. Therefore, the client must be informed of and agree to the dissemination of rehabilitation reports and correspondence in order for services to be provided. While there is no requirement to obtain a written signed release, it would be most beneficial. Furthermore, documentation of the attainment of informed consent should exist in case notes at a minimum.

Thank you for your continued support of the certification process through the promotion of ethical practice.

Very truly yours,

Susan L. Gilpin
Chief Executive Officer

SLG/cab